

FILED ELECTRONICALLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/032,659	Confirmation No. 6167
Applicant	: Pamela A. Kramer	
Filed	: October 25, 2001	
Art Unit	: 3773	
Examiner	: Julian W. Woo	
Title	: MANUFACTURE OF FINE-GRAINED MATERIAL FOR USE IN MEDICAL DEVICES	
Docket No.:	: ACS 54306 (G2257USO1)	
Customer No.	: 24201	October 21, 2009

PETITION UNDER 37 C.F.R. § 1.137(b)

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This petition is being filed pursuant to the September 29, 2009 Notice of Abandonment received in the above-referenced matter.

Applicant respectfully submits that the abandonment was unintentional as the Response to Notification of Non-Compliant Appeal Brief that was submitted on June 25, 2009 was earnestly believed to fully comply with the requirements that were set forth in the Notification of Non-Compliant Appeal Brief dated June 3, 2009. Such Notification indicated that the Argument Section must match the Grounds Section inasmuch as each ground corresponds to a heading within the argument section. The applicant's response fully complied with such requirement. However, in a teleconference with the Examiner on October 14, 2009, the Examiner advised that despite the fact that the Applicant was

not specifically appealing the separate rejections of dependent claims 3-8, 10, 23 and 24 and was instead relying on the of their dependence on underlying independent claims the rejections of which were being appealed, the separate rejections of the dependent claims were nonetheless to be specifically addressed in the Grounds Section as well as the Argument Section. The Examiner indicated that such shortcoming can be overcome by changing the status of such claims in Section III as not being under appeal. Additionally, the Examiner indicated that some of the rejections in the Final Office Action should have included additional claims.

Attached is an amended Response to the Notification of Non-Compliant Brief that overcomes the shortcomings noted by the Examiner with the change in status of dependent claims 3-8, 10, 23 and 24 as not being appealed.

It is respectfully submitted that any additional rejections of claims that the Examiner may not have been included in the Final Office Action cannot properly be addressed in the Response to the Non-Compliant Brief of June 3, 2009.

It is respectfully submitted that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. Favorable consideration of this petition is respectfully requested.

The petition fee set forth in 37 C.F.R. § 1.17(m) in the amount of \$1,620.00 is being paid by credit card with this electronic transmission. The Commissioner is hereby authorized, however, to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

/Gunther O. Hanke/  
Gunther O. Hanke  
Registration No. 32,989

GOH/lm

368350.1